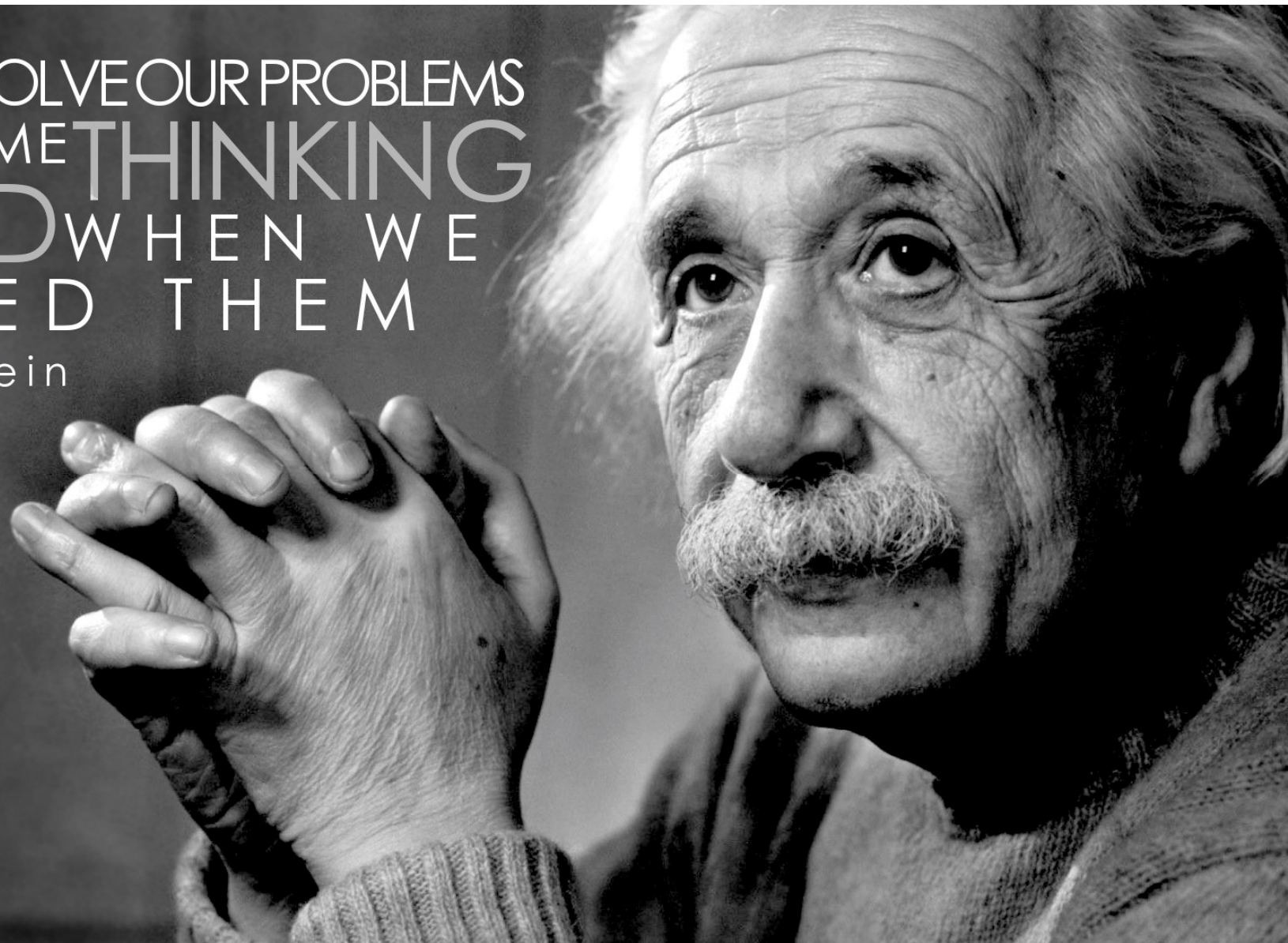


WE CANNOT SOLVE OUR PROBLEMS
WITH THE SAME THINKING
WE USED WHEN WE
CREATED THEM

-Albert Einstein



Solving the Problem of an Independent Judiciary

LJ Leatherman

Palmer, Leatherman White, Girard & Van Dyk LLP

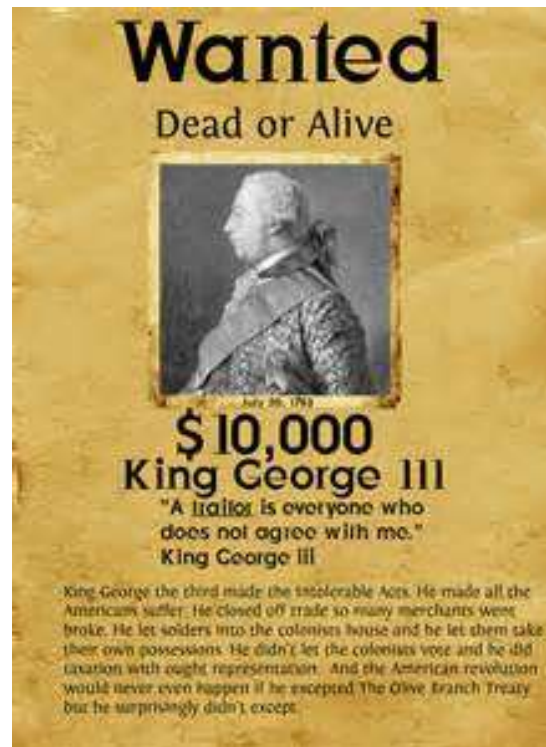
2348 SW Topeka Blvd.

4.1 Transactions with Persons other than Clients: Truthfulness in Statements to Others

In the course of representing a client a lawyer shall not knowingly:

- (a) make a false statement of material fact or law to a third person; or
- (b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by or made discretionary under Rule 1.6.

King George III



I Lost or Will Lose Your Case Because:

Check All Boxes That Apply:

- | | |
|--|--|
| <input type="checkbox"/> Conservative or Stupid Jury | <input type="checkbox"/> Opposing Lawyer is Friends With Judge |
| <input type="checkbox"/> Stupid Judge | <input type="checkbox"/> Better Funded Opposition |
| <input type="checkbox"/> Crooked Judge | <input type="checkbox"/> Witnesses Lie |
| <input type="checkbox"/> Lazy Judge | <input type="checkbox"/> Prejudice |

Norton Correctional Facility

Minimum
Security



KDOC Work Agreement

AGREEMENT

This Agreement is entered into this _____ day of _____, 20____,
between _____ and the Kansas
Department of _____
(Governmental Agency or Charitable Organization)
Corrections through the Warden/Parole Director of _____. The parties hereby
agree as follows: (KDOC Facility/Parole Region)

1. The Kansas Department of Corrections (KDOC) agrees to provide offenders assigned to _____ to work for _____
(KDOC Facility/Parole Office) (Governmental Agency or Charitable Organization)

These offenders shall be provided for work on the _____
project. (Name of Project)

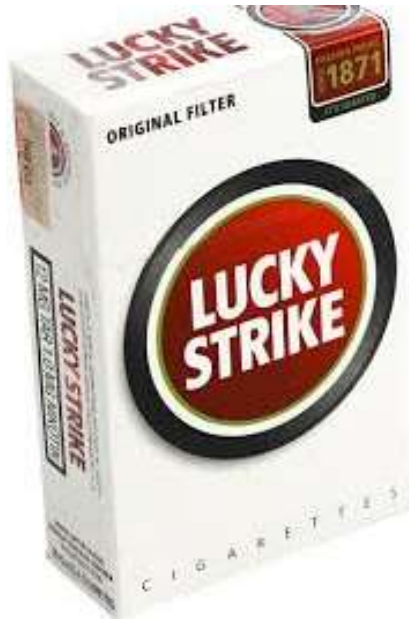
Information on this project has been submitted to the Warden/Parole Director and is attached hereto as being descriptive of the nature and type of work performed.

2. Attached hereto and incorporated by reference is KDOC IMPP 10-125 entitled PROGRAMS AND SERVICES: Provisions for Use of Offender Labor for Community Service Work. Both parties agree to abide by the provisions set forth in this IMPP.

Eye Contact IMPP

V. Supervision and Training

- A. Offender labor supervision shall be provided by facility/parole office staff except for minimum security inmates and offenders on post-release supervision or parole where such supervision may be provided by the requesting agency.
 - 1. Any inmate work detail working in a residential area shall at all times be under the direct visual supervision of either a KDOC employee or an employee of the agency to which the detail is assigned.



Norton County Museum



Christopher Zorn

<- Not Dangerous

Goodhart's Law

**“Any observed statistical regularity
will tend to collapse
once pressure is placed upon it
for control purposes.”**

- Charles Goodhart

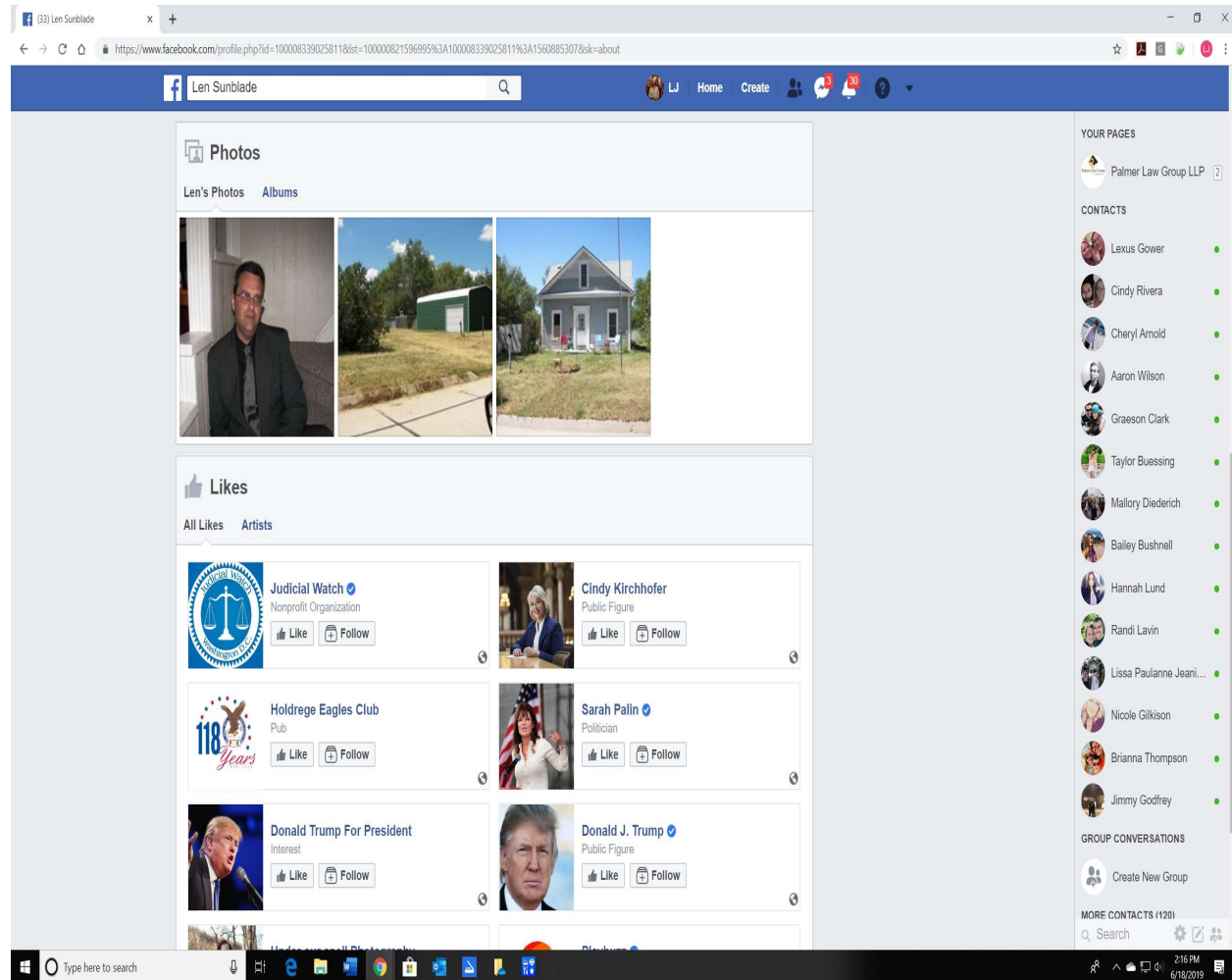
That is:

**“When a measure becomes a target,
it ceases to be a good measure.”**



Norton Correctional Facility

- Officer Sunblade





First United Methodist Church

IMPP Interviewing



IN THE DISTRICT COURT OF NORTON COUNTY

No. 2010-CV-26

RON KEISWETTER, Administrator of the Estate of Helen Keiswetter, Deceased;
and RON KEISWETTER, Individually and on Behalf of the Heirs-at-law of Helen Keiswetter,
Deceased,
Plaintiff,

v.

STATE OF KANSAS,
Defendant.



Honorable Judge Glenn D. Schiffner

Notwithstanding the horror and physical pain that was inflicted upon Ms. Keiswetter, the Defendant did not owe a specific duty to her to prevent Inmate Zorn from walking away from the work detail. The Defendant's Motion for Summary Judgment must be granted.

Even if the Defendant had owed a specific duty to Ms. Keiswetter, the Defendant would be immune from liability pursuant to the police protection exemption to the Kansas Tort Claims Act.

What is the Public Duty Doctrine

- It is a doctrine that **“A comparative study of the cases in the forty-eight States will disclose an irreconcilable conflict. More than that, the decisions in each of the States are disharmonious and disclose the inevitable chaos when courts try to apply a rule of law that is inherently unsound.”** *Commercial Carrier Corp. v. Indian River County*, 371 So.2d 1010 (2010),



IN THE COURT OF APPEALS OF THE STATE OF KANSAS

RON KEISWETTER, Administrator of the Estate of Helen Keiswetter, Deceased;

and

RON KEISWETTER, Individually

and

on behalf of the Heirs-at-Law of Helen Keiswetter, Deceased,

Appellants,

v.

STATE OF KANSAS,

Appellee.



Rule 8.2

8.2 Maintaining the Integrity of the Profession: Judicial and Legal Officials

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the code of judicial conduct.

Rulings in Sister Jurisdictions

North Dakota

Nebraska

Wyoming

New Mexico

Oregon

Florida

Alaska

Vermont

Colorado

Iowa

Wisconsin

Ohio

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 110,610

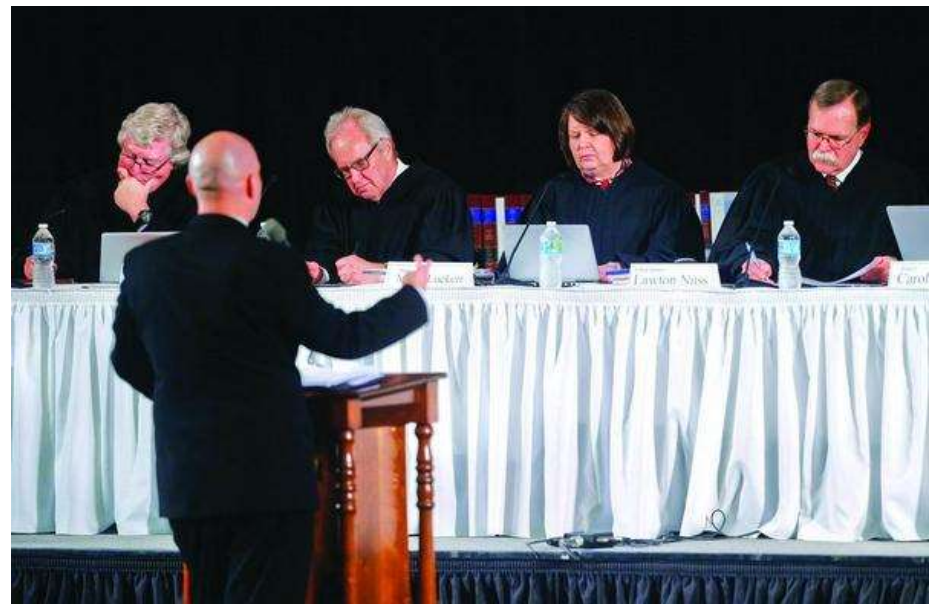
RON KEISWETTER, Administrator of the Estate of Helen Keiswetter, Deceased;
and RON KEISWETTER, Individually and on Behalf of the Heirs-at-law of
Helen Keiswetter, Deceased,
Appellants,

v.

STATE OF KANSAS,
Appellee.



**Kansas Supreme Court hears two cases
in unusual evening session at Topeka
High**



Judicial Impeachment

There is a fundamental, critical distinction between the exercise of legitimate power wise or unwise and governmental overreach. If, in response to an unpopular decision, Congress were to threaten the ruling judge with impeachment proceedings, it would go too far. The Constitution permits impeachment only in cases of “treason, bribery or other high crimes and misdemeanors.”

A single unpopular or even blatantly erroneous opinion—indeed even a series of such questionable opinions—does not constitute an impeachable offense. Indeed,

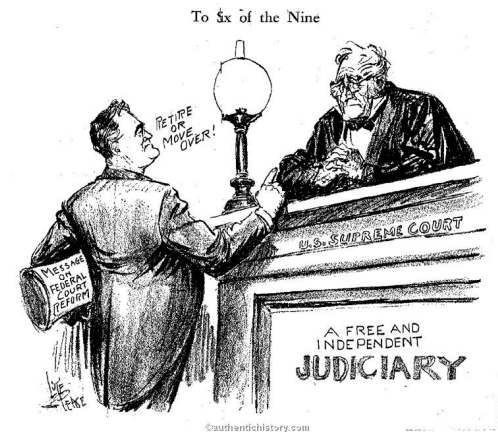
Federal judges should not and cannot be impeached for judicial decision making, even if a decision is an erroneous one. . . . [E]ntering a judgment and order—is an act that judges are required to do under the Constitution. . . . If this was otherwise, the impeachment remedy would become merely another avenue for judicial review.

- U. S. Constitution, Art. II, Section 4.
- What Would the Founding Fathers Say?, Christian Science Monitor (April 4, 1997) (quoting a 1986 statement of Rep. Robert Kastenmaier (D) of Wisconsin, the then chair of a House Judiciary Subcommittee).

Incursions by the Public



Incursions by the Legislature



Supreme Court of Kansas.
Larry T. SOLOMON, Chief Judge, 30th Judicial
District of the State of Kansas, Appellee,
v.
STATE of Kansas, Appellant.
364 P.3d 536, Dec. 23, 2015.

SOLOMON, v. STATE of Kansas

To any who may complain (either today or at a later time when some other ox is being gored) that the strict sequestering of governmental power here proposed is unworkable in today's complex society—impractical; inefficient; subject to abuse; or antiquated—we must respectfully answer with the “truism that constitutional protections have costs.” [Coy v. Iowa, 487 U.S. 1012, 1020, 108 S.Ct. 2798, 101 L.Ed.2d 857 \(1988\)](#). “A system of separate and coordinate powers necessarily involves an acceptance of exclusive power that can theoretically be abused.... While the separation of powers may prevent us from righting every wrong, it does so in order to ensure that we do not lose liberty.” [Morrison, 487 U.S. at 710–11, 108 S.Ct. 2597](#) (Scalia, J., dissenting). (Solloman v. State)

While the 1988 version of the KRPC limited the duty to report to conduct by “another lawyer,” the change made effective in 1999 makes it clear that the duty applies to one's self. Rule 8.3(a), Reporting Professional Misconduct, provides that: “A lawyer having knowledge of any action, inaction, or conduct which in his or her opinion constitutes misconduct of an attorney under these rules shall inform the appropriate professional authority.” In *In re Cline*, the Kansas Supreme Court affirmed the panel's finding that a lawyer violated [Rule 8.3\(a\)](#) by failing to report his own violation of the Rules. The Court also consistently finds violations by lawyers who fail to self-report complaints or discipline in other states.

[*Matter of Linn*, 245 Kan. 570, 575, 781 P.2d 738 \(1989\).](#)

[*In re Cline*, 289 Kan. 834, 217 P.3d 455 \(2009\).](#)

8.3 Maintaining the Integrity of the Profession: Reporting Professional Misconduct

(a) A lawyer having knowledge of any action, inaction, or conduct which in his or her opinion constitutes misconduct of an attorney under these rules shall inform the appropriate professional authority.

(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

(c) This rule does not require disclosure of information otherwise protected by Rule 1.6. In addition, a lawyer is not required to disclose information concerning any such violation which is discovered through participation in a Substance Abuse Committee, Service to the Bar Committee or similar committee sponsored by a state or local bar association, or by participation in a self-help organization such as Alcoholics Anonymous, through which aid is rendered to another lawyer who may be impaired in the practice of law.

When you first start off trying to solve a problem, the first solutions you come up with are very complex, and most people stop there. But if you keep going, and live with the problem and peel more layers of the onion off, you can oftentimes arrive at some very elegant and simple solutions. Most people just don't put in the time or energy to get there. We believe that customers are smart, and want objects which are well thought through.



Steve Jobs via Gecko&Fly

Dunkers Candle Problem



Dunkers Candle Solution

